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2010s

The Gavel

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4-2012

2012 Vol. 60 No. 6

Cleveland-Marshall College of Law

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### Recommended Citation

Cleveland-Marshall College of Law, "2012 Vol. 60 No. 6" (2012). 2010s. 9.  
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# THE GAVEL

VOLUME 60, ISSUE 6

THE STUDENT NEWSPAPER AT CLEVELAND-MARSHALL COLLEGE OF LAW

APRIL 2012

## Where are the law students?

Marshall  
considering  
tuition hike  
to address  
large drop in  
applications

By Paul Shugar  
GAVEL CO-EDITOR-IN-CHIEF

Law schools across the country are facing an unprecedented crisis, and the Cleveland-Marshall College of Law is considering further budgets cuts and a tuition increase to address a vast decrease in applications to the school.

Applications to Marshall are in free-fall, with the school receiving 26 percent fewer applications for next year's incoming 1L class compared to this year's class. During the past two years, the number of applications to Marshall has dropped 39.5 percent. After the school admitted a class of 200 in 2010, the school could be lucky to have 140 students in next year's 1L class.

To address the likely budget deficit admitting such a small class would create, Marshall Dean Craig Boise said the school likely would raise tuition for the third straight year and make further budget cuts. When the school received 13.5 percent fewer applications last year, it petitioned Cleveland State University to allow the school to shrink its incoming class from 200 to 190 students. In the end, though, the school admitted only 168 to this year's 1L class, making budget cuts and this year's 8 percent tuition increase necessary.

"We could have admitted 200," said Boise of this past year's incoming 1L class. "But had we done that, one-fourth of the class would have scored 149 or below on the LSAT. Those folks would have had real trouble passing the bar. Our data shows that if your are below 152, you are at risk of not passing."

This problem is not limited simply to Marshall. For the first time in a recession, Dean Boise said law schools across the country watched the number of applications they receive dwindle. Such a problem puts further stress on a school such as Marshall, which also



Cleveland-Marshall tuition is expected to increase with the school considering admitting only 140 students next year.

watched the state of Ohio cut the school's State Share of Instruction a year ago. This cut represented a roughly \$900,000 budget gap that Marshall's administration addressed with budget cuts and last year's 8 percent tuition increase.

Marshall will not close this year's budget until the end of June, so Boise could not put a figure on how much next year's tuition increase might be. He said that an annual average increase of 3.5

percent per year is assumed at law schools across the country.

Besides a tuition increase, Boise said Marshall also would address its budget deficit through faculty attrition. His hope is that a number of senior faculty members will retire, but Boise said the school did not know whether it would offer buy-out packages in order to provide further incentive for these senior faculty

SEE **TUITION** PAGE 6

### More Inside

James Booker and Sam O'Leary debate how to fix the problems that face law schools today in this edition's Political Broadside, Page 5

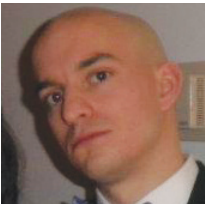
# EDITORIAL



That designer purse really ties the outfit together.

## Homeless person? Or law student?

If you walk through the ground floor of the prestigious Cleveland-Marshall College of Law, you are just as likely to see a homeless person



Colin Ray

wandering around looking for students to mug or valuable items, like information-providing television kiosk displays, to steal, as you are to see aspiring legal eagles downloading outlines off the internet or checking the University of Washington torts wiki website trying to figure out the meaning of Judge Andrews’ dissent in Palsgraf. These disparate groups of individuals have more than meets the trained eye in common: neither understands Palsgraf, and both are approximately equally likely to be wearing sweatpants in public. I wish only to comment on the latter similarity. Sweatpants are terrible.

First, some definitions. I use “sweatpants” to define a broad category of typically cotton but sometimes synthetic fiber garments worn primarily below the thorax, beginning at or near the waist, covering the legs and terminating somewhere near the ankle, or as often as not, into some form of animal skin and fur-lined boot with rubber soles and no laces or other fasteners, that cannot reasonably be classified as “jeans” or “chinos.” Within this phylum of garments (sweatpants) I include the lesser-known taxa of sweatpants proper (including the subphylum of sweatpants with elastic still fixed around the ankle region), “yoga pants,” which are acceptable for wearing while traveling to, from and during yoga classes, and the bastard child scourge of the family who was once “accidentally” left behind in Hays, Kansas, on the family road trip, “pajama

pants.” The reasons for objecting to the wearing of sweatpants in public are as numerous as editions of the Sullivan and Gunther Constitutional Law book and much more self-evident than the Supreme Court’s substantive due process jurisprudence. Perhaps most relevantly, the choice to wear sweatpants while one is not at the gym says to other people one of two things: 1) I have recently been to the gym or plan to go soon or 2) I didn’t bother to try to dress nicely today, in fact, I rolled out of bed, put on sweatpants and came to school so that I didn’t miss four “two-credit” classes that are the length of a three-credit class and incur ABA-mandated sanctions, which becomes especially important when my professor cancels an entire month of classes, or cancels all classes immediately before and after vacations. If you think this is unfair, wake up earlier and wear some decent pants.

What can one assume about people who wear sweatpants to school and thus didn’t try hard to get dressed? That they are diligent workers who will read the cases and look up the Latin terms in Black’s Law Dictionary and are not liable to download outlines off the internet and use the University of Washington torts wiki website to understand how Palsgraf works? Such garb does not lend itself to this a conclusion.

The real problem is that law students fail to distinguish themselves from homeless people when they wear sweatpants at school. This is especially important when one considers that the average homeless person probably possesses greater knowledge of the legal system than the average 1L, perhaps through no fault of their own based on the City of Cleveland’s former Homeless Person Transportation Program and the § 1983 suit that followed it. I apologize for making

generalizations about homeless people, with whom I have no quarrel, but they are also not attending professional school and I couldn’t care less whether they wear sweatpants or not, insofar as it does not conflict with my ideal view of a utopian society that has banished sweatpants to the trash incinerator of history with their deposed cousins hoopskirts, knickers, and whalebone corsets. For the most part, people don’t wear these symbols of oppression anymore unless they are trying to make some sort of ironic statement about how no one has to wear these sorts of things anymore, and it’s good. Sweatpants are a symbol of self-oppression, the cilice belt of ambivalence toward personal appearance.

This is not to say that I advocate a return to the Garlockian/Rehnquistian era of law school, where everyone dressed like a student at Philips Andover Academy and wore a tie and pants that might be more properly classified as “trousers,” though I suppose this was motivated in large part by the fact that women rarely attended law school in those days, but furthers my point because even in those mid-twentieth century female-desert academic environments, male students still dressed professionally. Instead, I advocate John Brown zeal-level abolition of all sweatpants wearing in the law building. However, in an ideal world, I would hope that every day, a visitor walking through the law school, assuming they had not already been a victim of violent crime on Euclid Avenue or had been able to locate a parking space within 11 blocks of the University, would have no difficulty determining whether a given person in the law school is a student or a homeless person. Currently, the outcome of such an evaluation is unclear, and the Cleveland-Marshall community will be a better place if it is made certain.

Interested in being an Editor-in-Chief next year and earning a \$4,000 scholarship each semester?

Contact the Gavel staff at [gavel.csu@gmail.com](mailto:gavel.csu@gmail.com)

### CORRECTIONS: NONE

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the gavel



# Journal of Law and Health holds symposium

By Tiffany Allison  
SPECIAL TO THE GAVEL

On March 7, 2012, the *Journal of Law and Health* held its second CLE event for the 2011-12 academic year to educate the Cleveland legal, medical and public-health community on Munchausen’s Syndrome by Proxy, medical child abuse and the relevant Ohio Revised Code sections. Cleveland-Marshall also offered Continuing Education Units for social workers and nurses, and the Event was sponsored by the Center for Health Law & Policy.

The Event stemmed from a Student Note that the *Journal* recently published in January 2012, authored by Tiffany Allison, Publications Editor. Medical child abuse is a new term for the better-known phenomenon of Munchausen’s Syndrome by Proxy. It occurs when a parent, nearly always the mother, over-reports or falsely reports symptoms or illness, causing unnecessary medical procedures to be performed on a child. Allison’s Note focuses on the need to amend Ohio legislation to make clear that medical child abuse is merely another type of child abuse and to shift prosecutors’ and doctors’ focus from the caregiver’s mental state and intentions to the best interests and safety of the child. Focusing on the caregiver produces uncertainty as to whether an individual suffers from Munchausen’s Syndrome by Proxy and actually intends to induce the symptoms on the child. By amending



**More than 200 people attended the Journal of Law and Health’s symposium regarding Munchausen’s Syndrome by Proxy, medical child abuse and the relevant Ohio Revised Code sections.**

state and federal legislation to specifically include “medical child abuse” as one of the main forms of abuse, we can better protect children who are severely at risk. Children are the victims of medical child abuse, and the focus must be on them.

The program started with Dr. Carole Jenny, a Professor of Pediatrics at Brown University and Director of the *ChildSafe* Child Protection Program at Hasbro Children’s Hospital, and Dr. Thomas A. Roesler, an Associate Professor at the Warren Alpert Medical

School of Brown University and Co-Director of the Hasbro Children’s Partial Hospital Program. Drs. Jenny and Roesler discussed the history of Munchausen’s Syndrome by Proxy and its recent shift, pioneered by medical and legal scholars and practitioners, to the term “medical child abuse.” They also provided numerous examples of Munchausen’s Syndrome by Proxy cases to illustrate the abused child spectrum, from children who do not receive enough medical attention to cases of medical child abuse where a caregiver induces symptoms in a child, falsifies information, or causes the child to receive unnecessary or harmful medical care.

Dr. Johanna Goldfarb, Director of the Center for Pediatric Infectious Diseases at the Cleveland Clinic, discussed how to detect and treat medical child abuse, as well as the hardships that medical multi-disciplinary teams might face with potential medical child abuse cases. She explained the purpose of Cleveland Clinic’s Child Advocacy Committee, which she helped establish so it can provide guidance and support in evaluating children who are possible victims of medical child abuse.

Dr. Thomas Allison, Associate Counsel for the Cleveland Clinic Foundation, outlined the relevant Ohio Revised Code sections regarding the duty of specific persons to report child abuse and the legal consequences for a physician’s failure to provide medical

services. Additionally, he discussed the practical implications of incorporating medical child abuse into Ohio law and its effect on Ohio physicians.

Yvonne Billingsley, assistant prosecuting attorney and supervisor of the Cuyahoga County Children and Family Services Unit, and Michelle Myers, in-charge assistant prosecuting attorney in the Children and Family Services Unit of the Office of the Cuyahoga County Prosecutor, concluded the presentation. They discussed the legal challenges that prosecutors face when trying to prosecute caregivers that suffer from Munchausen’s Syndrome by Proxy and the positive effects of moving toward prosecuting the cases as medical child abuse.

With more than 200 attendees, the *Journal* event proved a success to inform local lawyers, nurses, social workers, doctors, and public health officials on Munchausen Syndrome by Proxy’s important transition to medical child abuse. As Drs. Jenny and Roesler stressed in their book, *Medical Child Abuse: Beyond Munchausen’s Syndrome by Proxy*, by quoting fellow physicians, “[c]ontrary to popular belief, this behavior is not rare and is not a syndrome of any known psychopathology. [Munchausen’s Syndrome by Proxy] is simply another, very dangerous, form of child abuse.” The *Journal* would like to thank everyone who attended and helped plan this wonderful event.

## GBLR contracts with Westlaw and annouces symposium events

By Scott Sivley  
GAVEL STAFF WRITER

THE GLOBAL BUSINESS LAW REVIEW will cap off its year by holding its annual silent auction, annual symposium, and co-sponsoring a Spring Social with the Business Law Association for the entire law school. The editors and associates felt it was important to have the social to celebrate with the entire law school the many highlights of the year.

Some of those highlights are unveiling a new brand identity with modern imaging to match its modern approach to legal scholarship and creating a brand-new, purely online publication, “In the Balance,” to expose current issues in international law and relations that directly impact people and our society to complement the print publications focused on international law and business. But, the most significant milestone occurred on March 15, when Cleveland-Marshall College of Law Dean Craig Boise signed a contract on behalf of GBLR with Westlaw to accept its invitation to become part of the family of journals it provides its



paying subscribers.

The focal point of the week’s events occurs on Friday, March 30. GBLR will hold its Third Annual Symposium, Navigating Anti-Bribery Legislation: Remaining Compliant and Competitive in the Global Marketplace from 1:30-4:30 p.m., with a reception to follow. The entire Marshall community is welcome. Two and a half free CLEs are available for practicing lawyers. This year’s symposium will focus on systemic global corruption and specifically Anti-Bribery initiatives, including the Foreign Corrupt Practices Act, UK Bribery Act, and an analysis of the debilitating effects of corruption on developing and emerging markets.

Featured experts are:

Robert Biskup is Director of Forensic and Dispute Services at Deloitte Financial Advisory Services LLP. He also leads Deloitte’s Corporate Compliance practice.

Edmund “Ned” Searby chairs McDonald Hopkins’ White Collar Crime, Antitrust and Securities Litigation Practice Group. He has taught a World Bank course on fair competition in sub-Saharan Africa.

John Mukum Mbaku is professor of economics at Weber State University and a non-resident senior fellow at The Brookings Institution. His most recent books are *Culture and Customs of Cameroon*, and *Corruption in Africa: Causes, Consequences,*

and Cleanups.

Stuart H. Deming is a best-selling author, member of the Board of Editorial Advisors to the FOREIGN CORRUPT PRACTICES REPORTER, past co-chair of the ABA’s national institutes on the FCPA, co-founder of ABA’ anti-corruption initiatives committee and adviser to the Third APEC Senior Official’s Meeting.

Before the Symposium starts, GBLR will hold its annual Silent Auction, with items to fit the tastes of faculty, staff, students and visitors. Please visit the table near the entrance to the law library to view all of the items. Bids will be taken until 6 p.m. Friday, March 30.

Wrapping up the week and to celebrate a year of milestones, GBLR will co-sponsor a law school social with the Business Law Association at Blind Pig from 8-11 p.m. Tickets are only \$10 for unlimited drinks of all types and plenty of food. The ticket price was set to cover only the actual cost of the event, and is not a fundraiser for either group. Please see a member of either organization for a ticket and more details.

## Office of Career planning shares it tips to improve your job search

OFFICE OF CAREER PLANNING

ATTENTION 3LS! This is an exciting and stressful time. In just a short couple of months, you will be thrust out into the legal world as a new law school grad. Yes, you have the bar to worry about, but you also have a job search to conduct. Check out our top-ten list below for some tips and suggestions as you look for your first permanent position after law school. As always, please contact the OCP with

any questions.

1. Make a physical list of all law-related family, friends, former supervisors/coworkers, and networking connections you know. You should keep track of how well you are staying in touch with them and, if you haven’t reached out to them to get advice on your job search or how you present on paper, do that now. You should also become more involved with the CMBA to start expanding your network.
2. Check job boards every

single day (Symplicity, Career Board, USAJOBS.gov, etc.) and apply as soon as you see a posting, don’t wait even a day if possible. It’s even better to write directly to the firm or organization, rather than applying through the job board with everyone else so your resume stands out a bit.

3. Become involved in the legal community by joining the CMBA, the C|M|LAW Alumni Association, and the Lawyer to Lawyer Mentoring Program run by The Supreme Court of

Ohio. Participation and membership is free for your first year after graduation for all three!

4. Consider alternative careers such as legal publishing companies, law-firm or law-school administration (marketing, recruiting, associate development, human resources, fundraising), teaching, trust, compliance, or procurement positions in banks or other organizations,





There is some light at the end of the tunnel.

# The not-so-bleak state of employment prospects

About all we hear these days is how law school is a bad bargain and that there are no jobs to be had ... at



Karin Mika  
THE LEGAL  
WRITING  
COLUMN

least no jobs that enable students to recoup their student loans. Somewhere along the way, the vision of going to law school encompassed acquiring a high-salaried job, a clothing budget, an

office with a view, a secretary who would correct your cites, and people who deposited endless work on your desk that you did effortlessly before making it home to your family for six o'clock dinner. Well, I have news for anyone who ever thought that. It never happened, not even when the economy was burgeoning and law firms were hiring right and left.

Being an attorney is tough work, and even those acquiring high-salaried jobs paid reciprocal high costs for the privilege of working for a high-paying firm. Work was never delivered endlessly to anyone's desk. New associates were and (still are) expected to pound the pavement and look for new clients – especially those who would pay high retainers. At the same time, it was and is the new associate's job to do the bulk of the true work that goes on in a law firm. That means hour upon hour of writing, research, and taking orders from those who have been there longer and had to do the same when they were the newly hired

associates. So what has changed now? Essentially, nothing, except that many law firms are no longer appearing at your doorstep asking you to join them. But you still have what everyone before you has always had – the capacity to work hard and take advantage of opportunity when you see it. The current world is filled with all kinds of legal opportunity, perhaps more than ever before. There is an entire electronic world out there that is ripe for regulation and taming, or, for the purists, resistance to regulation and taming. There is a global economy out there that has yet to find any unity in how it deals with legal problems. And there are the underrepresented, who have less and less access to representation as the divisions between the haves and the have-nots become farther apart.

Law school bashing seems very popular now. Those who are doing so contend that there are simply no opportunities in the law that warrant the money spent on legal education. I say that's one of the most ridiculous statements ever made. Those in law school now are on the threshold of a brand new world that will present endless opportunities – for those who are looking in the right place, and for those who will work for it ... which, in reality, has always been true. Not only that, but those who had the wisdom to acquire a legal education have the rare ability to truly understand the world around them and to protect themselves and those around them. That ability is priceless

Have a great summer vacation, and go find your niche. The opportunities are endless.

# Dear 1Ls: Get to work

Busy, a word that so perfectly describes (or should describe) any commendable law student. This wee adjective is so voracious that it might as well be branded onto the forearm or even tattooed onto the back of 1Ls' eyelids. Clearly, this unspoken, yet all too well-known axiom, applies to the world of 1Ls right now.

Depending on how much of a sheltered twit you are, it might or might not come as a surprise that, for all intents and purposes, there is no difference between a reason and an excuse for failure.

Failing to set one's sights on appropriate goals for a career in law, however, is an express ticket to the long line for anti-depressants at the local pharmacy or unemployment benefits. Whichever side of the fence you take (clearly depending on your parents' failures) there are myriad lessons we can all take from this immutable truth and apply to our commonly shared law school experience.

As the Anonymous 1L's failure to maintain a monthly column exemplifies, a strong work ethic is essential to having a successful legal career. Provided you are sufficiently competent to understand this column, (assuming English is your native tongue) this should be common sense. Nonetheless, a cursory perusal of ... well ... any part of the law school is replete with a graft of examples of lackadaisical

law students who carry around twenty-something-year-old umbilical cords. These make them as unprepared and unqualified to enter the legal profession as a pacifist trying to join the Marine Corp. You know who you are. To my law school comrades, the glory days of getting pathetically drunk yet enjoying kindergarten, gold-star-like success in undergrad are as long gone as the Holy Roman Empire. While it may be the norm in our country, the illusion of a twenty-something-year-old expecting a six-figure salary solely based on the two letters of his/her degree might seem right as rain ... a better description is delusional.

Unless breaking some bad news to a juvenile-cancer patient, there is seldom a reason to be anything but blunt. FLOATING THROUGH LAW SCHOOL WITH THE EXPECTATION THAT THE LAND OF GREEN PASTURES AND HONEY AWAITS IS A NAÏVE DELUSION.

Hard work without proper vision will lead you to nothing but digging an ever deeper ditch, and maybe a cold Fresca when the boss is in a good mood. Keep your priorities straight. You came to law school for a reason, and you know damn well what that (cough, six figures, cough) reason is.

I am not saying that either law school or career success is easy or guaranteed. But without the appropriate priorities and work ethic, a law student's tuition money will be as well spent as the money the Donner Party spent on food before embarking on their voyage in pursuit of a better life. I urge you all to take long look into the mirror.

# Settlers of Catan offers something for everyone

By James Booker  
GAVEL STAFF WRITER

While it might be true that law school decreases the time you spend enjoying yourself in the company of others, you likely still find some time to hang out with your friends. If you and your friends are dorks like my friends and I, then you probably spend your time together watching episodes of Star Trek: Deep Space Nine, arguing if Ezequiel Carrera is better than Shelley Duncan, or playing strategic board games.

One board game I enthusiastically recommend is The Settlers of Catan. Settlers is a three- to four-person game (you can play with 5-6 players if you have the expansion) where each player assumes the role of a settler in the bountiful land of Catan. The primary goal of the game is to accumulate resources and use those resources to build roads, settlements, and cities. Each settlement and city is worth a certain amount of points, and the first player to reach the needed number of points (usually 10) wins the game. There are also points awarded to the player with longest road and the player with the largest army.

The game is very social and

requires players to keep an eye on their opponents as each player vies for Catan's various resources. Players earn resources by rolling dice. Each resource has attached to it a number that correlates with a potential dice roll. If a player has a settlement or city on that resource when that resource's number is rolled, then that player receives the resource. Players can also trade with each other to obtain the resources they need to build roads, settlements, and cities, but they must be careful not to set their opponents up for an easy win.

Second-year student Brendan Heil is an avid Settlers player. Heil said "Settlers is a great way to spend those winter months. It's a fun game that requires a fair amount of strategy." Heil couldn't be more right. Even during the summer evenings, Settlers can provide a fair amount of entertainment when playing it on your back patio while listening to Tom Hamilton's comforting voice.

The Settlers of Catan can be purchased at your local gaming store, such as Kidforce Collectibles in Berea, or it can be ordered online on Amazon. If you enjoy playing board games and you have not played Settlers, do yourself a favor and pick it up.

**WANT TO ASK THE ADMINISTRATION THE TOUGH QUESTIONS? APPLY TO BE A GAVEL STAFF WRITER.**



# POLITICAL BROADSIDE

## THE FORUM FOR DEBATING TODAY’S HOT-BUTTON ISSUES

### How do law schools fix their increasing problems?

Law schools across the country are starting to feel the effect of a decreased number of applications. Additionally, fewer people are taking the LSAT. Bleak employment prospects highlighted on various blogs and web sites, such as jdunderground.com, have



James Booker

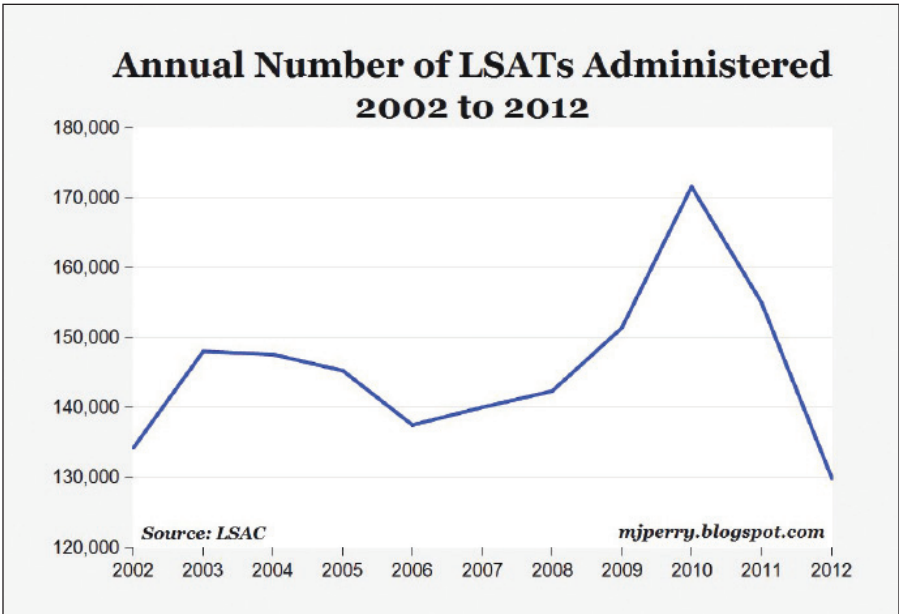
shown some negative aspects of attending law school. Such information might have dissuaded potential applicants from taking the LSAT and applying to law school, leading to the problems caused by a decrease in applications.

Law schools across the country must find ways to cope with the problem of fewer applicants and fill their incoming classes from a smaller pool. Schools similarly situated to Cleveland-Marshall might be impacted the most. For schools similar to Cleveland-Marshall—law schools not near the top of the law school rankings established by the U.S. News and World Report, future classes might not consist of students of a caliber these schools have become accustomed to because those students might choose to matriculate at higher-ranked institutions. This is where some of the problems start occurring.

When faced with the dilemma of admitting students with lower GPAs and LSAT scores an institution has typically not admitted in recent years, a school can choose one of two options. The first option is to maintain current class sizes and admit students who would not have been admitted in previous years. The second option is to reduce the number of students admitted and deal with the issues that arise with a decreased enrollment, such as tuition increases, faculty and staff reductions, and decreases in services provided.

The option of maintaining current enrollment levels continues to provide potential students a stronger opportunity to attend law school during this period of declining applicant numbers. By maintaining current enrollment levels, tuition increases could be stable. Additionally, staff and service cuts would not be immediately needed. A valid argument can be made that a student with a low GPA and low LSAT score can succeed in law school and succeed as an attorney. However, there is a strong possibility that allowing more students of a lower caliber than the school has recently admitted could increase attrition rates and this could negatively impact the school. By admitting students who show a strong likelihood of not succeeding, the school could be performing a disservice to the legal profession by cranking out unqualified attorneys.

On the other hand, reducing the size of incoming classes appears to be a responsible course of action. The school can continue to be selective



when admitting students (unless the applicant pool significantly plummets) and not saturate the legal market with potentially weaker lawyers. Some drawbacks of this proposal include increased tuition and cuts involving staff and services. This option also helps the value of the degrees Cleveland-Marshall alums hold because the school would not saturate the legal market with potentially weak attorneys and earn a tarnished reputation for doing so.

As with many problems with multiple solutions, the answer lies somewhere in the middle. Everyone must bear the burden and make sacrifices in order to deal with the problem of declining application numbers and the issues the problem presents. Professors may need to teach more than two classes a semester instead of focusing on scholarship that has a nominal affect on the students at the school. Additionally, students might need to sacrifice some of the wonderful opportunities the school provides. Making a few cuts in enrollment and making cuts in other areas could preserve what Cleveland-Marshall has represented since it was founded—an institution that provides a legal education to those with the desire to obtain one. Cleveland-Marshall was the first institution to admit a woman and it was one of the first law schools to admit minorities. Cleveland-Marshall is synonymous with opportunity, and a change in the weather should not change what the school represents.

The Law School Admission Council reports that the number of people taking the LSAT dropped by more than 16 percent since last year.



Sam O'Leary

This represents both the largest decline in more than a decade, and what seems to be an emerging trend. The number of students taking the LSAT has fallen by more than a quarter in just the past two years.

As current law students with at least one eye trained on the dismal job market, it is tempting to view a precipitous drop in law school applications as purely a good thing. Rough estimates put the number of students graduating from law school at about 45,000 in each of the next three years, and even a lawyer can figure out that in a rebounding economy, the algebra just doesn't work. The problem is that the decline in students taking the LSAT is not tied so tightly to the country's economic woes as it is to major and systemic problems within the law school admissions process and the legal field itself. Fewer students pursuing a legal education is a problem because it means that many schools, particularly those outside the first tier, will find themselves facing a choice of either lowering standards to maintain class sizes, or maintaining standards while raising tuition.

While the numerical realities are inescapable, the real danger presented by this conundrum is that law schools will fail to recognize this choice as a false dichotomy. Rather than viewing this as a dilemma, law schools, the American Bar Association and legal professionals should realize that they are not faced with a choice, but rather a profound opportunity to reexamine some of the fundamental tenets of the admissions process, legal education, and legal employment, in a way that holistically addresses the myriad challenges facing those about to embark on a legal career. Outside of the recession, the pervasive effects

of technology allow more and more legal work to be done overseas or by machines, and businesses are less and less amenable to the fee structures of many of the big corporate firms. All of this downward, and lasting, pressure on the legal job market means that law schools need to reconsider both how they are preparing their students for successful futures both academically and practically, as well as the value of a law degree, generally.

A good start would be a long, critical look in the mirror, and I don't mean the funhouse mirrors law schools have been wandering by these past few years. It is now common knowledge that they've cooking their numbers worse than Enron. Being honest about employment, salary and financial aid figures is the right thing to do for the students' sake, but it also will lead to the academically healthy attitude that law schools are institutions educating students, not brands promoting products. Realizing a future that ensures a quality, affordable education for students, sustainable admissions for law schools, and competent lawyers for employers will require creative and cooperative approaches, perhaps including apprentice-type arrangements and drastic curriculum overhauls. What is clear is that neither of the choices law schools seem prepared to make are true solutions, but rather reactions, and both point to a pretty bleak future for young lawyers.

To be fair, not all schools are guilty of all of the transgressions mentioned in this column, but it would be egregiously misleading for any law school to try to pin the reprehensible and under-contemplated practices that have permeated the law school admissions process on a few "bad apples." A number of Latin phrases commonly appear on law school diplomas; "caveat emptor" should not be one of them.



Is it time for law schools to reinvent themselves with less people taking the LSAT?



# Ohio Bar exam’s myths and urban legends

By Marc D. Rossen  
CJ|MLAW CLASS  
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SUPREME BAR  
REVIEW, FOUNDER  
AND DIRECTOR



As I sat down to write this column for The Gavel, I thought about all of the things I could tell you about Ohio bar exam preparation. I considered describing the basics of how to study, or the mysterious process by which one becomes certified to sit for the Ohio bar exam. Instead, I have chosen to use this forum to debunk some commonly held misconceptions concerning the bar examination. While my focus will be on Ohio, much of what follows will apply to any bar exam.

I often wonder where students get these misconceptions. Some are based on things that used to be true about the Ohio bar examination, but because of changes in the exam and the way it is graded, are no longer true today. Some were never true but nonetheless get passed on to successive generations of law students like those urban legends you used to hear on the playground as a kid.

**MISCONCEPTION #1:** Studying for the bar exam is all about memorization.

While it is true that you are required to commit to memory a tremendous amount of black letter law, that is merely the beginning of your bar exam preparation.

**FACT:** Rote memorization is not enough to pass the bar

Perhaps one of the greatest



**The bar exam is not all memorization.**

myths is that by merely studying an extensive outline one will develop the necessary test-taking skills. Consequently, many bar applicants improperly allocate the bulk of their study time to rote memorization. A better approach would be to devote roughly equal amounts of time to substantive review and to practice testing. It is not enough to know a rule of law. One must be prepared to apply it to a variety of exam fact patterns.

For instance, on the essays the bar examiners are not simply looking for a regurgitation of black letter law. They expect you to provide a clear and concise conclusion based upon highly reasoned analysis and communicated in a lawyer-like fashion. You cannot hone these skills without doing practice essays.

Likewise, on the multiple-choice portion of the exam, simply knowing the black letter law is not enough. The MBE is a best-answer-choice exam. This means that when you read the fact pattern, if you memorized the black letter law, the correct answer will pop into your head. However, when

you look down at your four answer choices, A, B, C, and D, more often than not you won’t see this “correct answer” among the choices. Instead you will be faced with four imperfect answers and your job is to select the “best answer” from among the four choices. This requires critical reasoning and analytical skills that you can only expect to develop by doing a significant amount of practice testing.

**MISCONCEPTION #2:** If you do really well on the Multistate Bar Exam (MBE) portion of the exam, you do not need to worry much about the written portions.

Perhaps it is true in other states, but not in Ohio. Many years ago, Ohio had a system whereby if your MBE score was high enough, they would pull two of your essays at random and if you scored well on those two essays they would not even read the rest. However, this system was abolished long ago.

**FACT:** The written portions count for two-thirds of your total score in Ohio. The MBE counts for the remaining third.

Given the increased score requirements in Ohio, you cannot afford to blow any section of the exam. Nonetheless, if the written portions account for twice as much of your score as the multiple choice, then you must allocate your preparation time accordingly. That includes adequate preparation for the Multistate Performance Test (MPT). While the MPT does not test your substantive legal knowledge, it does require extensive practice testing to hone the skills needed to read, analyze, and communicate in a lawyer-like fashion.

**MISCONCEPTION #3:** You can afford to blow one or two essays.

This misconception probably has its origins back in the days when there were 24 essays on the Ohio exam, covering a wider range of topics.

**FACT:** Today there are only twelve essay questions covering a smaller set of topics. Therefore, each essay question counts for a greater percentage of your overall score.

You must know enough to write about every bar exam subject area. You are expected to be able to fill at least a page and a half to two pages on every essay question.

**MISCONCEPTION #4:** You can only sit for the Ohio Bar Exam three times and then you are barred from taking it again.

**FACT:** There is currently no limit to the number of times that one can sit for the Ohio Bar Examination.

**MISCONCEPTION #5:** You can study for the bar exam without taking a bar-review course if you borrow someone else’s materials.

**FACT:** A bar-review course is essential.

A bar-review course will tell you which areas of the outline materials are most likely to appear on the test. It will teach you areas of law you did not study in law school. It will keep your studying on schedule. It will give you valuable feedback when you do the practice testing. Do yourself a favor and take a bar-review course. Remember, the money you save from not taking a course will be more than offset by the additional expense and loss of income that result from having to re-take the exam.

If you have additional questions about the bar exam, I encourage you to e-mail me at: [gavel@SupremeBarReview.com](mailto:gavel@SupremeBarReview.com).

## TUITION

CONTINUED FROM PAGE 1

members to resign. With the faculty’s salaries ranked in the 10th percentile nationally, Boise said salary cuts would not be prudent. He also said this year’s fund-raising efforts could ase some of the budget woes.

Regarding the size of the tuition increase, Boise said his goal is to keep each student’s law debt load around \$90,000 or less for three years of attendance. While the average law student makes between \$80,000 and \$90,000 a year after graduation, Boise said this number could be deceiving because most students fall into two salary categories. Some land jobs that average making \$55,000 a year, while others average around \$135,000. Few actually make \$80,000 to \$90,000 a year, so Boise said this factor would affect his decision regarding how big the increase is.

Marshall has decreased the amount of admitted students before. In 2003, the school started admitting 10 less students a year to address its 65 percent bar-passage rate. The school went from admitting 250 students a year to 200, and the bar-passage rate did improve. Boise said 80 percent of the 2011 class had passed the bar as of February.

The problem is only 51.5 percent of the 2011 class had jobs that required juris doctor degrees nine months after graduation. Boise said that number was

61.7 percent for the class of 2010.

“What we are seeing now is the result of a couple things,” Boise said. “Forty thousand [legal] jobs were lost in a two-and-a-half year period as a result from the financial crisis. ... That loss has not stopped. We lost another 3,000 last year. That might not seem like a lot nationally, but we are one of the few white-collar professions not adding jobs.”

The good news is Marshall had the highest placement of students in JD-required jobs among Ohio law schools for the 2010 class. Boise said Ohio State had 61 percent employed at JD-required jobs, while the University of Cincinnati, Toledo, and Akron had placements that ranged from 40 to 50 percent. Numbers are not yet available to show how Marshall’s 2011 statistics compare.

The job market continues to look bleak as Boise said Ohio law schools are graduating twice as many students as there are jobs in the state. Nationally, 45,000 students graduate law school a year with only 25,000 jobs a year expected to be available through 2018. Even Tier I law schools are struggling to place 50 percent of their graduates at JD-required jobs.

“This is why it is so important to me not to admit students who come in who are going to struggle to pass the bar,” Boise said. “It’s not fair to them. We’re taking their tuition dollars and they’re not getting anything in return. They’re getting an education, but no way to pay it off. Working at the Winking Lizard, that’s not helping.”

## JOB SEARCH

CONTINUED FROM PAGE 3

contract administration, or non-profit management. Your JD can be very attractive to these employers.

5. Follow up on your job applications (unless, of course, the posting says “No Phone Calls Please”). It shows you are genuinely interested in working there. Create a job search tracker to assist you in your follow up (examples are in the Document Library on Symplicity).

6. Revisit former employers (including those for whom you might have been an extern) to see if there are temporary or hourly projects with which you can assist.

7. Freelance – order some business cards and start making yourself available for “smaller” cases (e.g., landlord/tenant issues, DUIs, wills). If you expand on the issues much further, please look into malpractice insurance. The CMBA will accommodate you with a meeting room for any client meetings you may need to hold in person.

8. Don’t wait for the job posting to appear! If you have particular interests or strengths, do some research to identify employers and write to them—you never know when the timing will be right!

9. Tailor your cover letter and resume for each application. You should use “buzz” words from the

postings you see in both your resume and cover letter (many employers use computer scanners and the documents that have the most hits on words from their postings make the cut). Remember we are here to help you polish up your application documents!

10. Do keep in touch with OCP about your job search, feel free to attend any programs we are holding and let us know when you’re working. We’re happy to set up an appointment to have you come in to brainstorm about what you’ve done, what you haven’t done, and maybe get some new ideas. You can also set up a mock interview through our office to brush up on your interviewing skills.



**Career Services getting ready to share its latest Top Ten List.**



# How to save money on professional attire

Now that another school year is coming to an end, one thing on every law student’s mind is employment. Whether



Brianna  
McLaughlin  
THE  
BARGAIN  
BABE

you are a 1L looking for your first legal job, a 2L entering a summer associate position, or a 3L about to leave Cleveland-Marshall and enter the legal market, employment is something on your mind. And it should be.

It is no secret that the job market is crappy at best right now. Although there are promises that the job market should be improving, I would not hold my breath on drastic changes happening anytime soon. With that being said, there are people still hiring and it is up to each of us to put our best foot forward.

While my esteemed colleague, Tony Cox, has written excellent articles about appropriate men’s professional attire, us ladies need a little guidance too. In this article, I am going to explain the do’s and don’ts of professional female attire and help you save money while looking your best. Buying clothes for interviews and work is going to cost some money, but I cannot stress enough that it is an investment in your future. Do you really want to miss out an awesome job opportunity because you wouldn’t shell out the money to invest in a proper suit? Probably not. Since it is always a waste of money to buy something that you cannot (or should not) wear, follow these rules to invest in a classy, appropriate and professional work wardrobe:

**Rule #1 – Dress Conservative**

I think this is by far the most violated rule for female law students. Yes, we are women and we do have more options than men. This does not mean, however, it is appropriate to wear a lacy camisole under your suit jacket with the girls showing. And it certainly does not



View the purchase of business attire as an investment in your future.

mean you should wear a short skirt with your suit because you like the way your legs look.

Nothing screams “don’t take me seriously” louder than dressing too sexy. Especially if you are a young woman. And honestly I really do not disagree with this assessment. If men are expected to dress appropriately and professionally, women should be expected to do the same. That being said, please make sure whatever type of shirt you choose to wear under your suit is not low cut. Be careful when buying oxfords as well. Some stores oxford-type button up shirts come with a low-v neck, which defeats the purpose. Make sure the first button doesn’t start at the top of your cleavage. Some stores with affordable, quality shirts are Banana Republic, Jones New York, and The Limited.

Skirt suits are a great way to still look feminine in business attire. I think pencil skirts are the most flattering and they should come down to the middle or top of your knee. Do not show thigh – remember it will get shorter when you sit down. You should stand out at work because of the quality of your work, not because you are too scantily

clad.

**Rule #2 – Dress for Your Environment**

Different jobs require different levels of dress. Currently, I work as a law clerk for an in-house legal department where the office attire is business casual. It doesn’t mean I can come to work looking like a slob, but I would not fit into my office environment if I wore a suit every day.

On the other hand, if you are working at a court, it is pretty safe to assume you should wear a suit every day. The same goes for a law firm. But the consideration does not stop there. Think about how conservative your firm is. It is always best to err on the side of neutral – traditional colors for both your suit and the shirt underneath your suit. Stay away from loud and obnoxious colors and patterns.

It is better to look slightly overdressed than slightly underdressed. For example, when I was interviewing last year one office told me I didn’t have to wear a suit to the interview since my interview was on a Friday and it was a little more casual in the office that day. If this happens to you, wear the suit. It shows that you take the job seriously and you are professional and committed to work. Look around and be sure that your attire is at least up to par with the attorneys in the office.

**Rule #3 – Wear the Appropriate Footwear**

There is a little room in this category – think choosing between flats and pumps. However, outside of that there really isn’t a lot of wiggle room here either. No open toe – your colleagues do not want to look at your feet no matter how pretty your pedicure is.

If you choose to wear flats, please do not wear them with a skirt (this is more of a personal preference then a rule). Gisele Bündchen may be able to get away with wearing a skirt without heels, but she is also a supermodel and most of us need the height. Make sure your shoes, whether flats or heels, are neutral colors. No zebra or snakeskin for the office. Black, brown, and nude are

appropriate colors. Also, if you do wear heels, keep them an appropriate height and leave the sky-high heels for the weekend. You also should always make sure that you can walk in the heels.

An excellent place to buy shoes for work is Nordstrom Rack (located in Legacy Village in Beachwood). I will never forget the first time I walked into Nordstrom Rack. I immediately fell in love with the place. This store offers designer, quality apparel for pennies on the dollar. Think a higher-end Marshalls (but still affordable). The Nordstrom Rack in Legacy Village always has plenty of work appropriate shoes. The last pair of work shoes I bought was from Nordstrom Rack. I paid \$50 for a \$100 pair of shoes. Now THAT is a bargain.

**Rule #4 – Shop all year!**

You are probably thinking, OK, thanks, but I am still a law student with a limited budget to spend on clothes that follow your rules. Well, as the Bargain Babe, I am going to get to the money saving portion.

The best advice I can give is to shop all year round for work clothing. The best time to shop is at the end of a season or after a holiday. The day after Christmas I got a \$60 button down work shirt for \$20 and a \$200 coat for \$75. If you always have your eye out for a bargain, you can score savings like this too!

Also, sign up for the customer emails when the sales clerk asks you for your email address at the checkout. These emails are golden because the stores constantly are sending you coupons in the emails. I get an email at least once a week from multiple stores, with the discount typically ranging from 20-40% off. Although I am not encouraging opening up credit cards at retail stores, if you already have one it doesn’t hurt to ask if there are any perks included with the card. Some stores will offer free tailoring of clothing if you have an active credit account.

If you follow these rules, you can look professional at work without breaking your bank. And don’t forget the best accessories – a smile and a positive attitude. Those are free.

# Style blogs to help you step your game up

As I’ve said before, knowledge is power. The first step toward dressing well is educating yourself on the



Tony Cox  
DRESS FOR  
SUCCESS

governing dynamics of men’s style, and reading a few good style blogs can go a long way toward that end. For your edification, I’ve compiled a list of my favorites that will hopefully

serve as useful guides on your journey toward sartorial excellence. But don’t limit yourself to what you see here. There seems as many blogs as there are people with computers, so feel free to explore the web and find those that you find the most useful and that fit your personal tastes.

**PUT THIS ON (putthison.com)**

If you only read one style blog, PTO should be it. Los Angeles-based public radio host Jesse Thorn serves up the practical knowledge you need to start dressing like a grown-up. The blog’s accompanying web series is especially worth watching, and the early archives are chock-full of outstanding advice for beginners.

**HEAVY TWEED JACKET (heavytweed.blogspot.com)**

For ultra-traditionalists like myself, HTJ is the pinnacle of style blog excellence. The anonymous author waxes philosophical about traditional American menswear, with a focus on the old-school staples like Brooks Brothers, J. Press, and LL Bean. Even if the aesthetic is a little too “preppy” for you, there are plenty lessons to be learned here about the virtues of comfort, quality, and timelessness.

**THE TRAD (thetrad.blogspot.com)**

John Tinseth’s blog is really about stories; the clothes are just the vehicle he uses to tell them. His tales of growing up in the South, his service in the Army, his time as a park ranger, and his day-to-day life as a New York insurance executive provide examples of how your wardrobe impacts your life, and vice versa: the shirt you were wearing when you got that girl’s number; the tie you wore to your grandfather’s funeral; the hole in your jeans sneaking into an unforgettable concert. Read a few posts, and it’ll be tough to think that your clothes are “just clothes” ever again.

**A CONTINUOUS LEAN. (acontinuouslean.com)**

You know that hipster guy you see wearing Red Wing boots, selvedge Levis, and Pendleton flannel shirts? Well, chances are that Cleveland native turned New York style purveyor Michael Williams had something to do

with that. His blog, A Continuous Lean, was at the forefront of the Americana revival that has dominated the men’s fashion scene for the past few years. The blog’s workwear aesthetic (blue jeans, waxed cotton jackets, leather work boots) may not help much in terms of your professional wardrobe, but it may help you cultivate a sense of the simple, utilitarian style that will suit you well on the weekends

**THE SARTORIALIST (thesartorialist.com)**

Among the first (and still the best) in the “street style” genre, Scott Schuman photographs the well-heeled denizens of New York and beyond as they make their way through the concrete jungle. Some of the looks captured here may be a little... um... aspirational for many of us, there’s no denying that you can learn a lot in terms of colors, patterns, and fabrics simply by consuming the images.





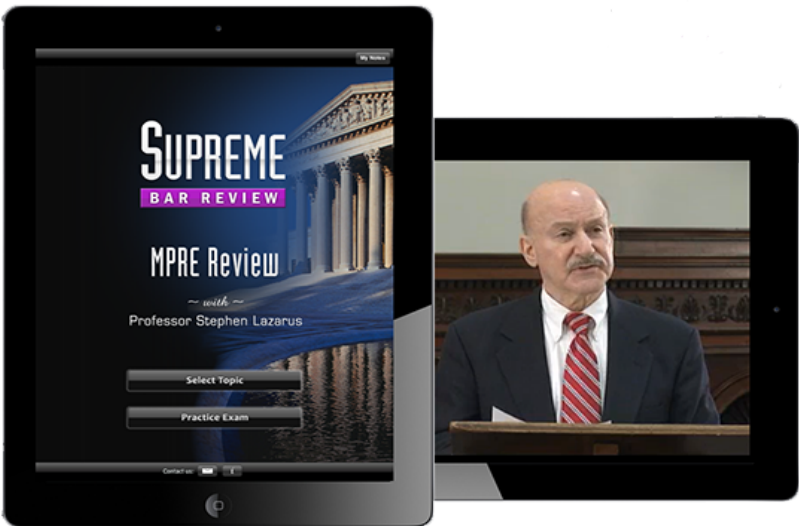
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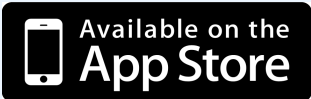
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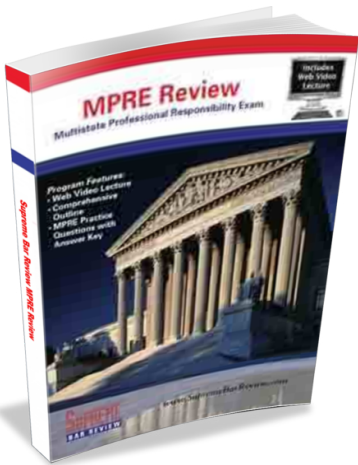


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